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LETTER

TO THE

HON. DANIEL WEBSTER,

ON THE

Compromises of the Constitution.

BY

Sylvester
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LETTER TO DANIEL WEBSTER.

HON. DANIEL WEBSTER:

SIR:—I have read, with earnest attention, both your speech on the subject of slavery, delivered in the Senate of the United States on the 7th of March last, and your letter of the 15th of May to the citizens of Newburyport.

I am not an "Abolitionist," in the sectarian nor sectional sense of the term. That is: I have never belonged to the "Abolition party," the "Liberty party," nor the "Free Soil party;" but in my political principles, associations and actions, have always been thoroughly and steadfastly a Whig.

For more than thirty years I have seriously contemplated slavery as a condition involving human rights and human sensibilities, affections and sufferings; and, for nearly as long a time, I have contemplated the slavery of these United States, in its relation to the political and civil institutions of our country. With the most fervent of the Abolitionists, I have desired that slavery might cease to exist on earth. With the most staunch adherent to constitutional provisions and guarantees, I have seen the difficulty of removing it by political action. At the same time, I have seen, with the vision of philosophical certainty, that the human soul, in its specific unity, identity and permanency, was gradually progressing in the development of its intellectual and moral attributes, and expanding itself to the comprehension of clearer, broader, and more accurately defined scientific truth concerning the nature, relations, and interests of man; and could not, by any possible conservative coercion, be confined in those forms and institutions which were the embodiments of the ideas and sentiments of an earlier state. I have seen, with anxiety and awe, that the slavery of our country *could not* remain as it was; that a change in the condition of the slave, in the relation between the master and the slave, and in the relation between the domestic institution of slavery and the political institution which constitutes our national unity, *must inevitably* take place; that no power of earth could prevent it; that no power of heaven would. I have seen that the only modes in which the inevitable change can take place, are: first, voluntary emancipation on the part of the slaveholders; second, political action in the exercise of assumed, not to say usurped, legislative authority; third, political disunion and civil war; and fourth, servile insurrection and war. I have seen that the first of these is incomparably the safest and most to be desired; that the last is incomparably the most horrible and most to be deprecated; and yet that there is, per-

haps, least reason to hope for the first, and most reason to dread the last two.

With such a field of contemplation before me, it was with great solicitude that I, in common with all the people of these United States, waited for you to exert your mighty intellect and mightier moral power in an effort for the wise adjustment of the great question, the discussion of which is now terribly agitating the whole nation.

I have read your speech and your letter with a mind predisposed to be favorably impressed by your arguments, and to estimate accurately the force of your reasoning; and while I acknowledge that you handle your subject with the ability and skill of a gifted and sound constitutional lawyer, yet I must with sadness confess, that your performance does not afford me the satisfaction I had hoped for. Your position seems to be more legal than legitimate; that is, more in accordance with the letter than with the spirit of the Constitution; your attitude more that of a politician than of a statesman; and your object more partial and palliative, than complete and determinate.

No man is more familiarly acquainted with the political history of this country, in relation to the subject in question, than yourself, nor better understands the force of its facts in illustration of our fundamental political principles.

It is notorious that, previous to our Declaration of Independence, slavery existed in all the colonies. It was not an institution peculiar to some of them; peculiarly cherished and jealously guarded and defended by some, and repudiated, opposed and denounced by others. In this single interest, the people of the colonies were as much *one people*, as they were in their resistance to the usurpations and oppressions of the British Government.

Again: it is notorious that in the original draft of our Declaration of Independence—a document compiled from the common ideas, common sentiments, and common dialect of the whole people—one among its most grievous charges against the parent government, was that that government had atrociously forced slavery upon the colonies; an evil which all felt and deplored; a wickedness which all abhorred.

Again: when the war of the Revolution was ended, the colonies, united by a loose federal compact, were deeply in debt; immense unsettled territories belonged to some of the colonies; conflicting claims of different colonies threatened serious difficulties; the revenues and financial resources of the Union were extremely small. In this state of things, the Federal Congress urged and importuned those States which claimed the unsettled territories, to surrender their claims to the General Government for the purpose of removing all difficulties, paying the public debt, and more fully and firmly establishing the Union.

When the territories were, at length, ceded to the United States, though some of the Northern States had, in form, abolished slavery, yet such was the general condition of things, that all the people of the United States were still one people in their ideas and sentiments respecting slavery. There was no sectional anti-slavery party nor interest; there was no sectional pro-slavery party nor interest. The anti-slavery interest was thoroughly national, pervading alike all parts of the Union, and having its source in the common sentiment of the entire people; a sentiment

which resulted from their own common experience under the wrongs and oppressions of the British Government, and in their struggles to achieve and establish their own liberties upon the great natural and unalienable rights of humanity. The pro-slavery interest was strictly personal, and had its source purely in the property relation of the slave to the master. Its primary sphere was the despotic sovereignty of each individual slaveholder, and the aggregate of these, constituted the pro-slavery commonwealth which asked for nothing but its own internal validity and security. It contemplated slavery only as a domestic institution, and not in the least as a civil and political element; and therefore it was not incompatible with the general anti-slavery interest; but in almost all cases, the political, patriotic and philanthropic anti-slavery interest co-existed in the same breast with the personal, pecuniary pro-slavery interest. The individual slaveholder, from the force of conditions and circumstances, felt constrained to retain his own personal slave property, while, at the same time, he perceived the utter incompatibility of slavery with the great natural and unalienable rights and liberties of man, and consequently deplored its existence and deprecated its extension, and, for the most part, even its continuance. So that, notwithstanding whatever pro-slavery interest existed at that time, the anti-slavery interest was none the less universal. *As an entire nation, the people regarded slavery as an evil to be tolerated where it could not be removed, and to be precluded where it did not exist.* All, with one mind and one heart—the people of the South as well as of the North—were earnestly desirous of arresting the progress of the evil by the strongest and most effectual measures consistent with the asserted and unsundered domestic rights of the slaveholding citizens of the existing States.

Accordingly, when, in the early part of 1784, the Federal Congress, at the instance of Mr. Jefferson, contemplated the enactment of an ordinance precluding slavery from all the unsettled territories of the Union, there was not a delegate present from any State in the Union who was opposed to that measure, so far as it went simply to preclude and prohibit the existence of slavery in the unsettled territories, and thus effectually to prevent its further extension in this country. But all who were opposed to the measure in any respect, opposed it solely in view of its adaptation to endanger the security of slave property in the existing States, by opening a wide field for the irretrievable escape of slaves from servitude. Let this point be protected; let no action of the Federal Government invalidate the security of slave property in the original States, and their unsundered and partially settled territories, and no delegate in Congress, and the people of no State in the Union, then cared how effectually the Federal Congress precluded, and how eternally it prohibited, the existence of slavery in the territories which had been, or ever should be, ceded to or acquired by the United States.

Consequently, when, in 1787, Nathan Dane, of Massachusetts, supplied to the prohibitory ordinance of Thomas Jefferson, of Virginia, a provision for the recovery of all slaves who should escape from service in the slave States into the free territories and States formed from them, the ordinance thus amended was unanimously passed by Congress, even in the full consciousness that, in so doing, they exercised, usurped, or, at least, assumed authority or undelegated power; because they were, at the same time,

fully aware that they acted in accordance with the universal sentiment of the people; and, therefore, the very presumption of the act on the part of Congress was a most powerful element in the demonstration that the entire people of the Union were in favor of limiting slavery to the area where it was already planted and established, and opposed to its further extension; and this demonstration was fully confirmed and sanctioned by the universal acquiescence of the people.

Contemporaneously with the session of the Federal Congress in which this prohibitory ordinance was passed, delegates from the several States were in convention, framing a Constitution for "a more perfect union;" and here, as in Congress, there was not a delegate from any State who was opposed to the insertion of any provision into the Constitution, prohibitory of the extension of slavery, so that it did not, in any way nor measure, invalidate nor endanger the right of slaveholding and the security of slave property within the proper spheres of the jurisdiction of the then existing State governments.

And when the Constitution was framed and submitted to the people for their adoption, one of the strong arguments which Mr. Madison urged upon the people to induce them to adopt the new Constitution, was that the old federal compact gave to Congress no authority to prohibit the extension of slavery.

I do not employ this reasoning to show that the Constitution actually does give such authority to Congress, though it is fully evident that Mr. Madison argued with such an understanding of it; but I employ it solely to show that the universal sentiment of the entire people of the United States was then opposed to the further extension of slavery, and that Mr. Madison, being well aware of this, pressed the argument in question as being, in the existing state of things, adapted to be cogently effective.

Mr. Madison has been generally regarded as pre-eminently one of the fathers of the Constitution, and, as a statesman, most thoroughly acquainted with its principles, and in the highest degree competent to expound its provisions in accordance with the spirit and intentions with which it was framed by the Convention and adopted by the people. And being himself a Southern man and a slaveholder, it is not to be denied nor questioned that, when he urged the above-mentioned argument in favor of the adoption of the Constitution, he appealed to a universal, decided, and strong sentiment of the entire people of the United States against the further extension of slavery. It is certain Mr. Madison and Mr. Jefferson were then earnestly opposed to the further extension of slavery; and it is evident that Mr. Madison was certain in his own mind that the entire people were earnestly opposed to the further extension of slavery. It is manifest that Mr. Madison fully believed that the Constitution would give Congress power to prohibit the further extension of slavery, and that one of the certain effects of the adoption of it by the people, would be such a prohibition; and it is equally manifest that the entire people, in adopting the Constitution, fully believed, with Mr. Madison, that it would give such a power to Congress, and that that power would certainly be exercised to such an end.

Now, sir, the grand and irrefragable conclusion which I draw from all these statements is that, whatever may be the fair construction of the language of the Constitution, taken by itself and without reference to the

spirit and intent of those who framed and those who adopted it, in relation to any particular subject embraced in its provisions, yet, nevertheless, it is most certain that both they who framed and they who adopted the Constitution were opposed to the further extension of slavery in this country, and that they earnestly meant and intended that, under the Constitution, Congress should possess and exercise the power of prohibiting utterly and for ever the extension of slavery beyond the then existing States of the Union and their unsundered territories, in which it was already planted and established.

And, sir, believing that no man better understands all this than yourself, I am disappointed and grieved that you did not bravely plant yourself in the position I have marked out, and heroically exert the might of your mind, and the majesty of your political and moral influence, in its support and defense; that, instead of saying to the immensely extended slaveholding portion of our Union—"The Constitution recognizes your right of property in slaves, and guarantees to you the right to pursue and reclaim your fugitive slaves in every part of the United States and their territories, and I confess that the provision of the Constitution in this respect has been egregiously violated by the people, and, in a measure, nullified by the Legislatures of the free States, and I am willing and ready to support a measure by which the letter of the constitutional provision relating to fugitive slaves shall be strictly executed,"—I am disappointed and grieved, sir, that instead of saying this, you did not say, to the slaveholding portion of the Union: "True, the provision of the Constitution says your fugitive slaves shall be delivered up to you, wherever you may find and claim them in the United States; true, this provision has, in effect, become a nullity in most of the free States; and many of the people of the free States have been active and zealous both in encouraging your slaves to escape from bondage and in screening them from your pursuit, and preventing your recovery of them. But what is the virtue and the scope of this provision? For what intent was it inserted in the Constitution? We speak of the compromises of the Constitution. What are they? What is their nature? In all cases but one, they are modifications of local interests, which neither sacrifice nor infringe any great principle of human rights; modifications in which peculiar sectional privileges or advantages were in some measure abridged, for the sake of securing important national privileges or advantages. But here, in this one compromise concerning fugitive slaves, a great fundamental principle of human right, set forth in our Declaration of Independence, as inherent and inalienable in every human being,—the right to 'liberty and the pursuit of happiness,'—is sacrificed. For what? In God's own name, for what? In what consists the compromise of this particular provision of the Constitution? There must be a compact, a mutual agreement, a reciprocal obligation between two or more parties, or there is no compromise; and the obligations of a compromise are not binding on one of the parties when they have been violated by the other. What, then, is the specific character of the compromise contained in the constitutional provision for the recovery of fugitive slaves? The grand object of 'forming a more perfect Union,' and of securing its legitimate blessings, induced the Convention to frame and the people to adopt the Constitution. But, in adjusting its elements and proportioning the mutual sacrifices, so as out

of the whole to form the best Constitution that, in the nature, condition, and circumstances of things, could then be adopted, specific interests were balanced against specific interests, and particular sacrifices were made in reference to particular sacrifices. The planting, navigating, commercial, and manufacturing interests were regulated with reference to each other. And for what specific interest was the great principle of human rights sacrificed in the provision relating to fugitive slaves? The unphilosophical and unanalyzing mind comprehends, confusedly, the general interests of the Union, in its reply to this question. But this is inaccurate and unsatisfactory. The question has a philosophic, precise, and determinate answer. For what definite purpose, in particular relation to slavery, was the Constitution framed and adopted? Mr. Madison, the highest human authority on this point, expressly declares that it was to prevent the further extension of slavery in this country; to shut it up to the area in which it was already planted and established, under the exclusive jurisdiction of the State Governments, with an ulterior regard to its final extermination, either by the spontaneous action of the slaveholders individually, or by the legislative exercise of State authority. And, beyond all reasonable question, in the meaning and intent of the framers and adopters of the Constitution, the sacrifice of the great principle of human rights, in the constitutional provision relating to fugitive slaves, had for its specific object nothing less, and nothing else, than the utter and absolute prohibition of all further extension of slavery in this country, with an ulterior view to its final extermination.

"Here, then, is the compromise, the mutual promise, the reciprocal obligation. On the one side—not of the North against the South—not of one portion of the Union, nor of one section of the country, against another—but of the universal, national, patriotic, and philanthropic anti-slavery interest of the entire people, against the particular, personal, pro-slavery property interest of individual slaveholders throughout the Union—on the one side, the contract is—'We politically recognize your right of property in your slaves, by virtue of your State laws, and we promise to deliver up to you, on your claim, the slaves who escape from you to us, on condition that you unite with us in establishing, sustaining, and submitting to a national government, by which all further extension of slavery in our country shall be absolutely and for ever prohibited;' and on the other side—'We promise to unite with you in establishing, sustaining, and submitting to a national government, by which all further extension of slavery in our country shall be absolutely and for ever prohibited, on condition that you will politically recognize our right of property in our slaves, by virtue of our State laws, and deliver up to us, on our claim, all slaves that escape from us to you.'

"This was precisely the principle upon which the great Hebrew law-giver legislated on the same subject, in a similar state of things. Slavery was then as universal as human society. The Hebrews were inveterately and incorrigibly a slaveholding people. It was *morally impossible* that the usage should be absolutely and immediately abolished. The best thing which was then morally possible, was to frame, and, with the consent and covenant of the people, establish a system of laws and ordinances by which the Hebrews could be restrained from reducing their own brethren to perpetual and hereditary bondage, and by which the slavery

among them could be so regulated and controlled as gradually to elevate the slave to the character and condition of a freeman of the Hebrew Commonwealth; and thus, with philosophical certainty, work out the extermination of slavery, *pari passu* with the general psychological development, or progressive intellectual, moral, and religious elevation of the people. And, specifically for the accomplishment of this object, and purely from *conditional moral necessity*, Moses legislatively permitted the Hebrews to buy slaves of the heathen round about them, and hold them in perpetual and hereditary bondage. In relation to a few human beings, he, from conditional necessity, sacrificed, for a few generations, the fundamental and unalienable human right to liberty and the pursuit of happiness, for the purpose of rescuing and protecting that right in relation to all human beings, for ever and everywhere, from all sacrifice and violation.

"And precisely so the framers and adopters of our Constitution, from conditional necessity, sacrificed in the compromise relating to fugitive slaves the great fundamental and unalienable right to liberty and the pursuit of happiness, in relation to a few human beings for a few generations, for the purpose of arresting the progress of slavery and prohibiting its further extension, and thereby gradually effecting its utter extermination, and thus rescuing and protecting that great fundamental right, in relation to all the inhabitants of our country, for ever, from all sacrifice and violation. And this was an object which alone would justify the sacrifice. Anything less than this—anything else than this, would have rendered the sacrifice, by those who had uttered to the wide world our Declaration of Independence, and solemnly pledged their lives, their fortunes, and their sacred honors for its support, a sacrilege nefariously offensive to Heaven and infamous to earth.

"This is not florid rhetoric. It is not fancy's work. It comes not from a fervid imagination, nor from the fanaticism of philanthropy; but it is the stern, irrefragable logic of historical facts, and of the philosophical relation of those facts to fundamental principles. The premises are incontestable, and the conclusions are inevitable. Whatever the imagined interests of slaveholders or pro-slavery politicians may incite, or prompt them to affirm or deny, it is impossible for any intelligent man honestly to contemplate the argument which I have presented, and resist the conclusions to which I have arrived.

"If, therefore, we go behind the letter of the Constitution, and inform our souls with the unanimous and earnest spirit and intention of those who framed and those who adopted that solemn instrument, we are conscious of the certainty that the compromise embodied in the constitutional provision relating to fugitive slaves, established reciprocal obligations between the anti-slavery and the pro-slavery interests of the Union; obligations which no more strictly nor powerfully bind the anti-slavery interest to deliver up the fugitive slave who has fled from bondage in any of the original States of the Union, or their surrendered territory, in which slavery was planted and established before the adoption of the Constitution, than they bind the pro-slavery interest not to extend slavery beyond the area in which it was planted and established under the jurisdiction of the State governments before the adoption of the Constitution. And the validity of these reciprocal obligations can only be preserved on the one side by the preservation of their validity on both sides. The instant the

pro-slavery interest violates them, that instant the anti-slavery interest is absolved from them. So long as slavery was kept strictly within the limits of the original States of the Union and their unsundered territory, so long the several States of the Union were bound, by constitutional provision, to deliver up fugitive slaves on the claim of their owners; but when the pro-slavery interest of the Union had, by the acquisition and occupation of new territory, extended slavery beyond the limits of the original States and their unsundered territory, the anti-slavery interest of the Union was wholly absolved from the constitutional obligation to deliver up fugitive slaves, and left, not only to the political right strenuously to oppose and resist the extension of slavery, but also to the primary moral right and duty to endeavor, by all righteous and humane means, to effect the entire removal of slavery from our country.

"The acquisition of the territories of Louisiana, of the Floridas and of Texas, and the introduction of nine slaveholding States from those territories into our constitutional Union, has rendered the provision of the Constitution relating to fugitive slaves an utter nullity, and left the free States without the shadow of a political obligation to deliver up fugitive slaves; nay, has virtually imposed upon them the duty of screening the fugitive slave from the pursuit of his master, and even of rescuing him from the grasp of the pursuer. And so far has the enlightened moral sense of the people of the free States gone ahead of their political intelligence and convictions, that their hearts have instinctively arrived at this conclusion, while yet their heads are perplexed and bewildered in the political labyrinths along whose windings they are led by partisan demagogues and sectional and mercenary politicians. But, perplexed and bewildered and misled as they are, as to the practical details of political theory, though they may be betrayed into specious compromises by virtue of which slavery shall still be permitted to continue to extend itself, and more slave States shall be added to the Union, yet on this one point let none deceive himself—the people of the free States can never be brought to acknowledge the present existence of the primitive validity of the constitutional obligation binding them to deliver up fugitive slaves. They know that the object for which that obligation was originally imposed, has been utterly and flagrantly defeated by the almost illimitable extension of slavery, and themselves thereby not only wholly absolved from that obligation, morally and politically, but thrown back upon the solemn obligation and duty to God and to humanity, to stand fixed as the decree of Heaven against the execution of any law and the exercise of any authority which requires them to deliver up to his pursuer him who has escaped from bondage into that liberty to which he has a God-given and an unalienable right."

Such, sir, it seems to me, is the view of the subject which a statesman of your intelligence and your professed patriotism should naturally have taken and boldly presented to, and earnestly pressed upon the people of the United States, in the full consciousness and assurance that truth is mighty, is omnipotent, and must prevail; and that error, however formidable in aspect, however fierce in manifestation, cannot long maintain an aggressive energy, nor even a resisting power.

I am amazed, sir, that a statesman of your large experience and extended observation, could have been seduced into the attempt to "heal

the hurt of this people slightly," to repair the breach "with untempered mortar;" to "put far off the evil day," and to "cry, Peace! peace! when there was no peace." I am amazed, sir, that a man of your sagacity should not better "discern the signs of the times."

Since God created man, when and where did there ever exist on the face of the earth a people whose average intellectual and moral elevation excelled that of the people of Massachusetts of the present day? And yet Massachusetts, as a Commonwealth, conspicuously takes the lead in all those progressive and reformatory measures which are so incompatible with the extension, and even the existence of slavery; and, in their effects, so disturbing and so alarming to the pro-slavery interest of the Union.

Now, sir, the great question should be solved by statesmen and by politicians, before they take a position and assume an attitude in relation to it, whether this fact in the conduct of Massachusetts is the result of a suppressible fanaticism growing out of the excited sensibilities of a deluded and misguided populace, or a stern and irreversible demonstration of that intellectual and moral advancement of man as a species, which laws and institutions *must conform to and cannot coerce*.

That the latter is the true solution, is too clearly discernible to admit of a reasonable doubt; and, therefore, it seems like infatuation or fatuity, or, what is worse, corruption, for any man or body of men to attempt, by legislative enactment or governmental authority, to suppress this state of things, and to force the mind and heart of man back into the narrower and more darkened spheres of thought and feeling.

Believe me, sir, for I utter the prophecy of inevitable truth—manage as you will, yet the current of necessity will bear onward the fulfilment of the Divine purpose.

From the very nature of things, slavery is an obsolescent institution. It *must* pass away. No wise man would attempt to precipitate its destruction violently. No wise man will attempt to arrest its evanescence. The pro-slavery interest of our country, like Charles the First of England, cannot, without self-destroying madness, insist upon its old prerogatives. It must surrender many of them or lose them all. And it may be assured that no measure will more speedily and more violently bring its head to the block, than the attempt to enforce by law the recovery of fugitive slaves in New-England. Even though the process be attended by a trial by jury, and be conducted in the most lenient manner, it cannot long be tolerated. The conviction that man has no right of property in man, has sunk too deeply into the soul, and taken too powerful a hold of the moral and religious feelings of the people of New-England, and of the free States generally, for them to suffer a fellow-creature, who has achieved his own emancipation, and fled to them for liberty, to be seized in their midst, and tried, and on conviction of having been wronged, cruelly wronged from his birth, to be carried back to perpetual slavery.

The people of New-England have solemnly "calculated the value of the Union." They know it is worth all it will procure and secure of civil and religious liberty, and human rights; and no more. And much as they love it for the good it has yielded them and their brethren of the other States, and highly as they prize it for its capacity for good to the

entire people of this country through all coming time, yet they will see it shivered into a thousand fragments, and baptized in the blood of another and more thoroughly reformatory revolution, before they will suffer its consecrated energies embodied in its Constitution, to be concentrated and exercised in the single or the principal function of extending and perpetuating human slavery, and aggrandizing the slaveholding interest as a political element in the governmental economy and conduct of the nation.

If the pro-slavery interest is not stricken with that madness which is the sure and fearful presage of its imminent destruction, it will at once relinquish all claims to the right of further extension; withdraw as far as possible from all dependence upon and connection with the General Government; retire within the precincts of exclusive State jurisdiction; say nothing about fugitive slaves, and quietly and steadily direct its course to the earliest, safest, and best extermination.

This, sir, is the only ground on which a true and permanent peace can be negotiated between the pro-slavery and anti-slavery interests of our country. And an immortal glory, infinitely greater than surrounds the chair of state in our Federal Republic, will rest upon that man who successfully negotiates such a peace upon such a ground.

And let not the slaveholding States object that this is a ground of negotiation which requires all the sacrifice from them and nothing from the free States. Let them remember that the free States ask nothing for themselves exclusively. They only ask in behalf of our common country, and of universal humanity, the practical supremacy of those great principles which are asserted as self-evident truths in that Declaration of Independence, for the support of which the entire people of this nation pledged "their lives, their fortunes, and their sacred honor." Let them remember that the controversy is not between them and the free States of this Union merely, but between them and universal humanity; that they are not contending for their natural and unalienable rights, but for the factitious, arbitrary and tyrannous right of depriving others of their natural and unalienable rights. Let them "remember that Deity has no attribute that can take sides with the oppressor;" and that they ought not to complain if their countrymen of the free States refuse to take sides where Deity cannot. Let them, in short, remember that the free States ask nothing of them but what *must of necessity be yielded*, and what, if they grant it not voluntarily, will inevitably be extorted from them by the irresistible hand of force, of violence, of blood! Let them "tremble for their country in the remembrance that God is just;" and "know in this their day the things that belong to their peace."

Sir, it is with profound astonishment that I hear a man of your eminence, of your intelligence; and of your professed regard for human rights, and the great principles of civil liberty, speak as you do concerning the sensitiveness of the people of New-England in relation to the reclamation of fugitive slaves amongst them. With strong commendation you cite a passage from a speech of Mr. Bissell, of Illinois, in which he reprobatingly states that those Representatives in Congress, who are loudest in their threats of disunion on account of the violation, on the part of the free States, of the provision of the Constitution relating to fugitive slaves, are from those States which have least cause of complaint;

which have rarely, if ever, had a slave escape from them into the free States of this Union; and then you add—"Now the counterpart of the agitation presents an equally singular and striking aspect, in the fact that the greatest clamor and outcry have been raised against the cruelty and enormity of the reclamation of slaves in New-England, where such reclamations, if ever made, have been in instances so few and far between as to have escaped general knowledge."

Sir, you rebuke somewhat sarcastically, a Representative in Congress from Massachusetts, for suffering himself to be betrayed into erroneous reasoning by false analogy. But do you not perceive that you here fall under the same condemnation? Do you not perceive that in the strict logic of the argument you are endeavoring to support, there is no true analogy between the "agitation" of the South, and that of the North, in relation to the reclamation of fugitive slaves? That of the South is essentially and purely selfish, unpatriotic, unphilanthropic, and at war with the great fundamental principles of civil liberty and human rights. That of the North is essentially and purely benevolent, patriotic, philanthropic, and in conservation and vindication and defense of the great fundamental principles of civil liberty and human rights. That of the South is hostile to the unanimous meaning and intent of the framers and adopters of our national Constitution; that of the North is congenial to that unanimous meaning and intent. That of the South may exist most naturally and most powerfully in ignorant, selfish, and sordid minds, and rage most vehemently where the passions prevail over reason; that of the North must abound most largely and exist most energetically where the intellect is most highly cultivated and most illuminated by truth, and the heart is most elevated and refined in moral and religious sentiment.

So far, therefore, is the keen sensitiveness of the people of New-England concerning the reclamation of fugitive slaves from being a just object of reproach, it is one of the clearest and most unequivocal demonstrations of their high position in the great scale of intellectual and moral being; and it is a most humiliating and painful consideration that any circumstances or any influences could have brought you to contemplate it in so false a light; and by the perverting media of your own vision, to give it so false and so odious an aspect.

Why, sir, what had the people of Virginia to do with the Boston massacre, the Boston Port Bill, and the Battle of Lexington? Precisely the same as the people of New-England have to do with the reclamation of slaves in Pennsylvania. The people of Virginia clearly saw that the great principles of civil liberty and the natural rights of man were involved in the controversy and contest between the colonists of Massachusetts and the parent Government, and, therefore, that they were in reality as truly and as deeply interested in the issue as their brethren of Massachusetts: and this fired the spirit of Patrick Henry and his compatriots to kindle and inflame the "fanaticism" of the people, and instigate them to rebellion against the parent Government. And so the people of New-England, having attained to that elevated intellectual and moral position which enables them clearly to discern and justly to appreciate the great principles involved in the controversy respecting the reclamation of fugitive slaves, feel themselves bound by the highest moral and religious obligations to plant themselves boldly and firmly in the defense of those prin-

ciples; and it is passing strange that a United States Senator, a citizen of Massachusetts, should not honor rather than stigmatize them for so enlightened and noble a decision.

More than once, sir, with a hardly suppressed sneer, have you seemed to scout the idea of "a power above the Constitution;" and yet no man knows better than you that it is a cardinal principle in the political creed of this country, that all political power is inherent in and derived from the people, and that this power of the people is not *beneath*, but *above* the Constitution; that it is not the *creature* but the *creator* of the Constitution; and that this power has reserved to itself the right to alter, and even abolish the Constitution whenever it shall fail to accomplish the objects for which it was framed and established. And you well know, sir, and all intelligent men of this country know, that one of the objects for which the Constitution was framed and established, was the insuperable limitation of slavery to the area in which it was then planted and established, under the exclusive jurisdiction of the State Governments, and by that means its gradual extermination from the entire domain of the United States. And you, at least, well know, sir, that the addition of every rood of slave territory which has been acquired by the United States since the adoption of the Constitution, without the immediate and absolute abolition and prohibition of slavery therein, and the addition of every slaveholding State to our Union, excepting Kentucky and Tennessee, have been in direct contravention of at least one of the great objects for which the Constitution was framed and established, and more than anything, and all things else, brought into danger all the great objects for which our existing national government was instituted.

Whenever, therefore, it is attempted, either in Congress or out of Congress, to carry by the force of a mere majority, any measure in favor of the extension or perpetuation of slavery, or in contravention of any of the great objects for which the Constitution was framed and established, it is legitimate, it is honorable, it is statesman-like, to appeal to "a power above the Constitution;" that power which is indefeasibly vested in the people by the Creator; which is exercised under solemn responsibility to Heaven; and which is exercised aright only when it is exercised in strict conformity with the fixed constitutional laws which are divinely established in the nature of things, and necessarily determine all true natural relations and obligations.

Yours, with respect,

S. GRAHAM.

Northampton, Mass., June 3d, 1850.

APPENDIX.

It has been suggested that I should re-consider my doctrine, "that because the South has violated, not an express but merely an implied obligation, therefore the North is at liberty to violate an express one."

My reply to this is, that I need not again re-consider what I have already considered and re-considered with utmost care and deliberation. I do not base my argument upon such grounds. I go back of the Constitution and all its provisions, and plant myself on the great principles which lie at the foundation of all our political and civil institutions, and on the great historical and notorious facts in the development and establishment of our free institutions. I do not argue that the South has violated an obligation *implied* in the Constitution. I contend that no such obligation is either expressed or implied in the Constitution; and for the very reason that it was notoriously the universal, unanimous and earnest intention of the framers and adopters of the Constitution that slavery in this country should be confined within its then existing limits till it was exterminated. And so confident was the universal and unanimous expectation that slavery would not only be restricted from further extension, but exterminated from the places in which it then actually existed, that the word "*slave*" was not suffered to be inserted in the Constitution, solely because the framers and adopters of that instrument were entirely certain in their own minds that the slavery of this country would soon be an obsolete fact. And knowing the universal and unanimous intention of the framers and adopters of the Constitution in respect to slavery, we are entirely certain that if they had entertained the idea that it was possible for slavery to be extended as it in fact now is in this country, they would not have left it to an *implied* obligation, but they would have inserted in the Constitution an express and solemn prohibition, strong as the Federal Ordinance of '87, against all further extension of slavery. For we know with certainty, that so far as the Constitution was framed and adopted with special reference to slavery, it was for the purpose of confining slavery to its then existing limits, and with an ulterior view to its extermination even from those limits. Be it, therefore, particularly and solemnly remembered that *one of the objects for which the Constitution was framed and adopted was the restricting of slavery to its then existing limits, with an ulterior view to its utter extermination from the country.* The extension of slavery in this country, therefore, is not merely a violation of an *implied obligation*, but it is

the violation of one of the great principles on which the Constitution is founded, and the utter defeating of one of the great objects for which the Constitution was established. This will not be denied by any honest man who is accurately acquainted with the history of the development and establishment of our national independence and our national Government.

Now, then, let it be considered, first, that our national Constitution was, to some extent, a result of concessions and compromises; or, in other words meaning the same thing, it was, in many of its features, adapted to then existing conditions and circumstances, and was so far an *accommodated institution*. But in the very nature and necessities of things, all accommodated institutions are, in so far as they are accommodated, obsolescent *pari passu* with the evanescence of the conditions and circumstances to which they are adapted.

"None but a people advanced to a very high state of moral and intellectual improvement," says Mr. Calhoun, "are capable of maintaining free governments; and among those who are so purified, very few indeed have had the good fortune of forming a Constitution capable of endurance. It is a remarkable fact in the history of man, that scarcely ever have free, popular institutions been formed by wisdom alone that have endured. It has been the work of fortunate circumstances, or combination of circumstances—a succession of fortunate incidents of some kind, which have given to any people a free government. This admirable Constitution of our own was the result of a fortunate combination of circumstances. It was superior to the wisdom of the men who made it. It was the force of circumstances which induced them to adopt most of its provisions."

"Laws and institutions," says Mr. Jefferson, "must go hand in hand with the progress of the human mind. As that becomes more developed, more enlightened; as new discoveries are made, new truths disclosed, and manners and opinions change with the change of circumstances, institutions must advance also, and keep pace with the times. We might as well require a man to wear still the coat which fitted him when a boy, as civilized society to remain for ever under the regimen of their less enlightened and less civilized ancestors. * * * * * Each generation is as independent of the one preceding as that was of all which had gone before. It has, then, like them, a right to choose for itself the form of government it believes most promotive of its own happiness, consequently, to accommodate to the circumstances in which it finds itself that received from its predecessors; and it is for the peace and good of mankind, that a solemn opportunity of doing this, every nineteen or twenty years, should be provided by the Constitution; so that it may be handed on with periodical repairs from generation to generation to the end of time, if anything human can so long endure."

"To secure the unalienable rights with which the Creator has endowed man," says our Declaration of Independence, "governments are instituted among men, deriving their just powers from the consent of the governed; and whenever any form of government becomes destructive to these ends,

it is the right of the people to alter or abolish it, and to institute a new government, laying its foundations on such principles, and organizing its powers in such forms, as to them shall seem most likely to effect their safety and happiness."

Let it be considered, in the second place, that the idea is too monstrously and flagitiously absurd to be entertained for an instant, that the framers and adopters of our Constitution intended to make a perpetual sacrifice of a fundamental principle of civil liberty and human rights, in relation to any class of men; and, therefore, it is certain that the sacrifice of such a principle in the provision of the Constitution for the recovery of fugitive slaves, was intended as a temporary expedient for the special purpose of limiting and ultimately exterminating the evil, in relation to which the force of conditions and circumstances then made such a temporary sacrifice necessary. This is too obviously and too notoriously true for any man to deny or doubt with honesty. And let it be solemnly considered, in the third place, that—to use the language of Mr. Jefferson—"laws and institutions *must go hand in hand with the progress of the human mind*. As that becomes more developed, more enlightened; as new discoveries are made, and new truths disclosed, and manners and opinions change with the change of circumstances, institutions must advance also and keep pace with the times." And let it be solemnly considered that such has been the progress of the human mind throughout the civilized world,—that such has been the advancement of truthful opinion and sentiment among the people of this country, and especially of the free States, and more particularly of New-England, that *it is now a moral impossibility to execute the provision of the Constitution for the recovery of fugitive slaves in New-England*.

This is the grand point which I make—the *moral impossibility of executing that provision, and the consequent necessity for the relinquishment of that provision on the part of the Pro-slavery Interest of the Union*.

If this state of things were in hostility or opposition to, or at variance with any of the great fundamental principles of civil and religious liberty and human rights on which our independence is asserted, and our civil and political institutions established, or if it grew out of a rebellious or anarchical spirit, or fanatical excitement on the part of a portion of the people, it might be the duty of Government to suppress it by physical force, and compel a compliance with the requisitions legitimately growing out of that provision of the Constitution. But none of these conditions exist. The state of things is in perfect coincidence and harmony with all the great principles comprised in the political creed of this country, set forth in our Declaration of Independence, and constituting the foundation of all our civil and political institutions. The progress which the people have made, has not been in obliquation from, but in coincidence with those fundamental principles, and they cannot be forced back from their advanced position without a violent infraction and sacrifice of all those fundamental principles.

The resistance of the people of New-England to every law and meas-

ure for the recovery of fugitive slaves among them, is not induced by a rebellious nor an anarchical spirit, nor a fanatical excitement, but by a clear, deep, conscientious, religious and irrepressible conviction that a just regard to the natural and inalienable rights of man, to the fundamental principles of all our civil and political institutions, and to our solemn obligations and duties to God and humanity, demands it of them.

Let politicians and statesmen—if indeed our country is so fortunate at present as to possess any of this last-named class of men—consider it as a *philosophical certainty*, that it is now morally impossible to effect the reclamation of fugitive slaves in New-England, by any laws or measures which the General Government can ordain. Even though the present Fugitive Slave Bill be repealed, and another be enacted in its stead, securing to the arrested fugitive a jury trial in all cases, yet the process issuing in the forcible return of the fugitive to bondage will not and cannot be tolerated by the people of New-England.

The entire moral impossibility of effecting the forcible reclamation of fugitive slaves in New-England, may, therefore, be solemnly regarded as a fixed state of things; and the great problem to be solved by politicians and statesmen is not how they shall remove this state of things, but how they shall adapt the laws and institutions of the country to it. For this last is the only practical question open to them in the matter.

And finally, the Pro-slavery Interest of our country may solemnly calculate, not merely the worth of the Union, but whether it is wise and expedient for it to persist in asserting and in attempting to enforce its political right to reclaim fugitive slaves at the sacrifice of the Union, and of all the great principles of civil and religious liberty and human rights, upon which all our free institutions are founded.

And let the Pro-slavery Interest consider that this is not the language of “abolition fanaticism,” but it is the language of political philosophy. It is not the expression of the feelings and wishes of an excited sect nor populace, but the stern declaration of that which, from the nature, condition and circumstances of things, *must inevitably and necessarily be so*.

When Mr. Webster first announced in the Senate his determination to support a bill for the more effectual reclamation of fugitive slaves, Mr. Calhoun, who, though in some respects greatly misguided, was, nevertheless, the most sagacious, far-sighted, profound, and gifted of modern American statesmen, in his own prompt and energetic manner, replied: “What if you do enact such a bill? The people of New-England will not submit to it.” It was from a clear philosophical perception of this truth—from a profound analytical discernment of things—that his strong conviction resulted, which made him utterly despair of the possibility of a future harmony between the pro-slavery interests and the anti-slavery sentiments of this country. He clearly perceived that there was no alternative for the slaveholding States but disunion, or a surrender of the political prerogatives of the pro-slavery interest; and, situated as he was, with all his noble powers, gifts, and acquirements, it was his unfortunate destiny to prefer the former.

From the same views and convictions, I now declare with philosophic

certainly that the reclamation of fugitive slaves in New-England by any legislative or executive authority in our General Government is a *moral impossibility*. It cannot be done without an overpowering physical force, nor without the shedding of rivers of blood. And politicians may manoeuvre about this point as long and as adroitly as they can, and still it will remain an impregnable Gibraltar to them; and they, and all men, will, in the end, be forced to acknowledge the truth of what I now utter, and conform not only their opinions but their actions to it.

If slaveholders can, by any means, persuade their fugitive slaves voluntarily to return to them, they will be free to do so; but the day of their power to enforce the involuntary return of the fugitive to bondage and servitude has passed away, at least from the precincts of New-England; and it only remains for the slaveholding States to determine whether they will peaceably relinquish their claim to the political right of reclamation, or violently break up the Union, and thus add to the loss of their fugitive slaves, the more serious, if not ruinous loss of the advantages and privileges of the Union; and this, too, inevitably at the sacrifice of all the great principles of human rights and liberties for which our Revolutionary War was waged, and successfully accomplished; and which are for ever stereotyped in our Declaration of Independence, and upon which all our civil and political institutions are founded; and, also, at the hazard—if not the inevitable certainty—of continued and bloody wars between the slaveholding and the free States, which must necessarily and speedily result in the emancipation of all the slaves in this country; and, in all human probability, the subjugation, if not utter devastation, of the slaveholding States.

If the relinquishment, on the part of the slaveholding States, of their claim to a political right to recover their fugitive slaves required the sacrifice of any natural right, or of any great principle of civil liberty, then, indeed, they might, with honorable and heroic persistence, maintain that claim to all extremities; but it is not so. They are called upon to sacrifice no natural right, no great principle of civil liberty. The right which they contend for is purely political, resulting from compact and compromise,—a political right to maintain a perpetual sacrifice of the natural rights of others, and in violation of the fundamental principles of all our free institutions; and this, too, in the face of the notorious truth that that political right was yielded them solely on the avowed condition that slavery should never be extended in this country beyond the area in which it existed at the time of the adoption of the Constitution.

Is this teaching “that because the South has violated merely an *implied* obligation, therefore the North is at liberty to violate an *express* one?” Surely not!

S. GRAHAM.

Northampton, August 10th, 1850.

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